

KRONENBERGER BURGOYNE, LLP

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dba Bandago

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**DIGBY ADLER GROUP LLC *DBA*
BANDAGO**

Plaintiff,

vs.

**IMAGE RENT A CAR, INC., VAN
RENTAL CO., INC.,**

Defendants.

Case No. 3:10-cv-00617-SC

**DECLARATION OF KEELEY
PEDERSON IN OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS
OR IN THE ALTERNATIVE TO
TRANSFER VENUE**

DATE: June 16, 2010

TIME: 10:00 a.m.

CTRM: 1, 17th Floor

JUDGE: The Hon. Samuel Conti

KRONENBERGER BURGOYNE, LLP
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1 I, Keeley Pederson, declare as follows:

2 1. I am the Call Center Manager of Digby Adler Group LLC *dba* Bandago
3 ("Bandago"). Unless otherwise stated, I have personal knowledge of the matters stated
4 herein.

5 2. As the Call Center Manager for Bandago, I oversee the day-to-day
6 operations of the call center, including addressing consumer inquiries.

7 3. I reside in Northern California, and I am prepared to testify in this action,
8 including as to Bandago's adoption of the BANDAGO mark, Defendants' registration and
9 use of the <www.bandago.net> domain name, and consumer confusion resulting from
10 Defendants' conduct.

11 4. During 2008 and 2009, Bandago received several inquiries from California
12 consumers regarding the relationship between Bandago on the one hand and the domain
13 name <www.bandago.net>, the website associated with that domain name, and Image
14 Rent A Car, Inc. and Van Rental Co., Inc on the other hand.

15 5. During this time period, I discussed these incidents of consumer confusion
16 with other Bandago employees who had witnessed similar incidents of consumer
17 confusion, including Sharky Laguana, Guy Higbey, Andrew Moore, and Rachel
18 Lastimosa.

19 I declare under penalty of perjury under the laws of the United States of America
20 that the foregoing is true and correct and that this Declaration was executed on May 25,
21 2010, in San Francisco, California.

22
23 s/ Keeley Pederson

24 Keeley Pederson
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ATTESTATION OF CONCURRENCE IN FILING

Pursuant to the General Order No. 45, section 45 X(B), for The United States District Court for the Northern District of California, I, Karl S. Kronenberger, hereby attest that the concurrence to the filing of this DECLARATION OF KEELEY PEDERSON IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS OR IN THE ALTERNATIVE TO TRANSFER VENUE has been obtained from Keeley Pederson who has provided the conformed signature above.

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